

PFM MARKS

~~REMARKS~~

This is responsive to the outstanding Office Action issued June 25, 2004.

Claims 1-19 were pending, claim 1 was allowed, claims 5-9 and 15 were rejected, claims 2-4, 10-14, and 16 were objected to and claims 17-19 are withdrawn from consideration. With this Amendment claims 1, 2 and 11-14 have been amended and claims 7, 17-19 have been canceled. Reconsideration and allowance of this application is respectfully requested in light of the following amendments and remarks.

Applicant herewith confirms the election. Concerning the election, comments were made that the invention relates to snowmobile seats. Use as a snowmobile seat is the best mode as known to the applicant at the time of filing, although the seat can be used in broader application. This was recognized by the Examiner in selecting Losio et al. (Bicycle seat) as prior art. Applicant has herewith affirmed the broader scope by changing the preamble to remove the word "snowmobile."

The drawings were objected to as failing to show every feature found in the claims.

- One objection was drawn to the drawings not showing a plurality of flexible supports. The openness to use of multiple flexible layers has been made part of claim 2 and claim 7 has been canceled. Due to the current language, a change to the drawings would be inappropriate.
- A second objection asserted that the plurality of foam overlays was not shown. Applicant respectfully traverses. See Figure 2, parts 40a, 40b, and 40c and page 6, lines 14-18).

For the foregoing reasons, Applicant asserts that the objection to the drawings should be withdrawn.

Claims 2-16 were rejected under 35 U.S.C. §112, second paragraph. Claim 2 recites "fabric overlay" and other claims refer the "foam overlay". The Examiner was confused as to whether these were the same component. Applicant has amended claims 11-14 to provide antecedent basis for "foam overlay". The "fabric overlay" and "foam overlay" are distinct components as indicated by the reference numbers 50 and 40 respectively. Claim 2 further included the term "supported", which should have read "support" and such correction has been made herewith. Accordingly, Applicant believes the rejection under 35 U.S.C. §112 has been overcome and should be withdrawn.

Claims 2-4, 10-12, 14 and 16 were rejected under 35 U.S.C. §102(e) in view of Losio et al. Losio et al. is a bicycle seat with a flexible member that is joined to a base, but such connection is through a neck at the center of the bicycle seat, not the side edges. Applicant has amended claim 2, from which all other rejected claims depend, to include a limitation "the flexible support having a first side edge joined to a first side of the base and having a second side edge joined to a second side of the base."

Compare Figure 6 of Losio et al. to Figure 4 of the present application. "Edge" refers to "a line where an object or area begins or ends." The bike of Losio, properly identified as a base, does not attach to the side edges of the flexible member. The fastening means 5, a fastener not a base, even if considered a base, it does not attach to the side edges. Instead the fastening means 5 attaches to the back edge and a centrally

located point. Moreover, claim 2 uses the word "bowed" and as shown in the application, and described in the dictionary, the flexible member has a simple bend in it, while Losio has a compound bend to the flexible member. Applicant therefore asserts the rejection has been overcome and should be withdrawn. Applicant respectfully requests notice to that effect.

Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over Losio et al. Claim 13 depends from claim 2, which is allowable over Losio et al. for the aforementioned reasons. Applicant therefore asserts the rejection has been overcome and should be withdrawn. Applicant respectfully requests notice to that effect.

CONCLUSION

It is respectfully submitted that, with the present amendments to the claims and in light of the above remarks, all of the presently pending claims should be seen to be fully supported by the present specification and to define an invention patentable over all of the art of record, whether taken separately or in any combination. The prompt issuance of a formal Notice of Allowance is seen to be in order and is solicited to be forthcoming.

Should the Examiner be of the opinion that any minor matters remain to be settled prior to the issuance of a Notice of Allowance, a telephone call to the undersigned attorney of record is respectfully invited to assure prompt resolution thereof. Counsel may be reached at: (763) 560-0294

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